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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,576	02/24/2004	William A. McCarty	KSCII.016A	1813
20995	7590	07/20/2009		
KNOBBE MARTENS OLSON & BEAR LLP			EXAMINER	
2040 MAIN STREET				PAUL, DISLER
FOURTEENTH FLOOR			ART UNIT	PAPER NUMBER
IRVINE, CA 92614			2614	
			NOTIFICATION DATE	DELIVERY MODE
			07/20/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/786,576	MCCARTY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	DISLER PAUL	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 January 1948.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-48 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-48 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Argument***

The applicant's Argument in regard to claims (33, 35) wherein the display being secured to a wall and the rail is configured to be secured to the wall independent from the display device" has been fully considered and persuasive.

However, such argument has been rejected over new grounds thus, this office action is non-final.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21, 24-32; 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohoe (US 5,737,123) and Curtis et al. (US 5,299,766 ) and Simon (US 2001/0027560 A1).

Re claim 1, Donohoe et al. disclose of the modular mounting bar for securing components for used with a display device comprising a housing to a surface along the display device (fig. 3A (20, 22); col.4 line 20-27; col.4 line 62-67/ the mounting bar/panels housing may be secured to a wall and along with the display screen to complement the display flat screen), comprising: a plurality of audio modules (fig.3A (20); col.3 line 60-67/a plurality of audio module speakers).

Donohoe et al. further disclose of the mounting bar and surface for being mounted on the wall (col.4 line 61-67). However, Donohoe et al. fail to disclose of having a rail configured to be attached to the surface via at least one of a plurality of openings disposed along the rail. But, Curtis et al. disclose of a rail configured to be attached to the surface via at least one of a plurality of openings disposed along the rail (fig.3 (30, 14); col.4 line 10-21/rail/support with opening along such rail). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating the rail configured to be attached to the surface via at least one of a plurality of openings disposed along the rail for mounting speakers to an existing wall.

The combined teaching of Donohoe et al. and Curtis et al. as a whole, as modified would have disclosed of the rail being configured to receive each of the modules at a respective one of a plurality of coupling points along the rail (Curtis, fig.(1, 3)/rail to receive such speaker modules).

While, the combined teaching of Donohoe et al. and Curtis et al. as a whole, further disclose of the display device and the modular bar with housing being attached to the walls (col. 4 line 20-27; col. 4 line 60-67/each of the display device and modular may be wall mounted). But, the combined teaching of Donohoe et al. and Curtis et

al. as a whole, never specify of such modular bar with housing being secured to a surface as being separate from the display device. But, it is noted having the housing being secured to a surface as being separate from the display device is merely an obvious variation of the engineering design based on his need with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with such housing being secured to a surface separate from the display device in similarly mounting the panels regions and display device to a wall.

The combined teaching of Donohoe et al. and Curtis et al. as a whole, would have further disclose of wherein the rail is not coupled to either the display device or the housing of the display device (Donohoe, fig.3A (20); such rail as couple to the surface for wall mountings to complement the separate wall mounted display device (fig.3 (22)).

The combined teaching of Donohoe et al. and Curtis et al. as a whole, further disclose of a cover configured to be secured in front of at least a portion of one of the modules (col.3 line 35-40/may be covered with a grille cloth).

But, The combined teaching of Donohoe et al. and Curtis et al. as a whole, failed to disclose of the specific wherein the module being an audio-visual modules. But, Simon disclose of a system wherein

similar concept of the specific wherein having audio-visual modules incorporated (fig.1,6; par [0043]/module with such visual component). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the similar concept of the specific wherein having audio-visual modules incorporated for purpose of providing additional system features that may be integrated with the television programs.

Re claim 2, Donohoe et al. discloses a modular mounting system for audio components for used with a display device comprising a housing fig. 3A (20, 22); col.4 line 62-67), comprising: at least one audio module (fig.3A (20); col.3 line 60-67/a plurality of audio module speakers) and a surface attached to another surface of the display device (fig. 3A (20, 22); col.4 line 62-67/ the mounting bar/panels and housing may be secured to a wall to complement the display screen as also being mounted to a wall).

However, Donohoe et al. fail to disclose of a rail attach to a surface. However, Curtis et al. disclose of a system with having a rail attach to a surface (fig.3 (30, 14); col.4 line 10-21/rail/support/rail system). Thus, it would have been obvious for one of the ordinary skills in the art to have modified the combination

with incorporating the rail attach to a surface for mounting speakers to an existing wall.

While, the combined teaching of Donohoe et al. and Curtis et al. as a whole, further disclose of the rail is configured to be attached to surfaces of the display device and the housing of the display device (fig.3 (20, 22); col.4 line 20-27; col.4 line 60-67/panel and display device as per options each may be mounted to the wall).

But, they fail to disclose of such rail is configured to be attached other than surfaces of the display device and the housing of the display device. But, it is noted having the rail is configured to be attached other than surfaces of the display device and the housing of the display device is merely an obvious variation of the engineering design based on his need with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with such rail is configured to be attached other than surfaces of the display device and the housing of the display device in similarly mounting the panels regions and display device to a wall.

The combined teaching of Donohoe et al. and Curtis et al. as a whole, further disclose of wherein the rail is configured to receive

the module at a plurality of locations along the rail (fig.3 (30, 14); col.4 line 10-21/rail/support/rail system).

But, the combined teaching of Donohoe et al. and Curtis et al. as a whole, fail to disclose of the specific wherein the module being audio-visual modules. But, Simon disclose of a system wherein similar concept of the specific wherein having audio-visual modules incorporated (fig.6; par [0043]). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the similar concept of the specific wherein having audio-visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

Re claim 3, the modular mounting system of claim 2; further comprising having a cover that is configured to be securely position in front of the modules (col.3 line 35-40/may be covered with a grille cloth).

Re claim 4, the modular mounting system of claim 3, wherein the cover is configured to be secured to the at least one module (col.3 line 35-40/may be covered with a grille cloth).

Re claim 5, the modular mounting system of claim 3, wherein the cover comprises a grille (col.3 line 35-40).

Re claim 6, the modular mounting system of claim 2, wherein the rail comprises a plurality of openings configured to receive a fastener and the fastener being securable to the surface (fig.3B (30); col.4 line 10-21).

Re claim 7, the modular mounting system of claim 2, the rail comprises a base configured to define a mating relationship with the at least one module (Curtis, fig.1; col.3 line 40-47/support for mating to the speakers). But, the combined teaching of Donohoe and Curtis and Simon as a whole, fail to disclose of the rail comprises a pair of flanges that define a groove running along the lengthwise edge of the base. But, it is noted the concept of rail comprises a pair of flanges that define a groove running along the lengthwise edge of the base is merely an obvious variation of the engineering design with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating the rail comprises a pair of flanges that define a groove running along the lengthwise edge of the base as in similarly supporting the modular device.

RE claim 8, the modular mounting system of claim 7 with the rail and base for supporting the module, and wherein the pair of flanges each extend approximately perpendicularly from each end of the base and along opposing longitudinal edges of the base, each flange having

a portion comprising an inwardly extending lip (see claim 7 rejection analysis) .

Re claim 9, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a loudspeaker (fig.3B (20A)) .

**Re claim 10**, the modular mounting system of claim 2, wherein at least one audio-visual module comprises a DVD player (Simon, fig.6; par [0043])

Re claim 11, the assembly of claim 2, further comprising many different modules in the rail, but, the combined teaching of Donohoe et al. and Curtis et al. and Simon as a whole, failed wherein the module comprise an amplifier .

However, official notice is taken such concept of incorporating a module with an amplifier is well known in the art. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating the module with an amplifier for producing the stereophonic sound.

Re claim 12, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises many different modules in the rail, However, the combined teaching of Donohoe et al. and Curtis et

al. and Simon as a whole, failed to disclose of the module incorporating the specific of a television tuner. However, it is noted the concept of the module being incorporating with another device and such device of being the television tuner is merely an obvious variation of the designer's Preference based on his need with no unexpected result. Thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modified the combination by incorporating the different modules and specifically a television tuner for the purpose of outputting audible sound level to be heard by the listener.

Re claim 16, the assembly of claim 2, further comprising many different modules in the rail, wherein the at least one of the audio-visual modules comprising a compact disk player (Simon; fig.6; par [0043]).

Re claim 17, the assembly of claim 2, further comprising many different modules in the rail, wherein the at least one of the audio-visual modules comprising a digital video recorder (Simon; fig.6; par [0043]).

Re claims 13-15, 18, 19-21 have been analyzed and rejected with respect to claim 12.

Re claim 24, Donohoe et al. disclosed a method of mounting audio component for use with a display device comprising a housing, to a surface along the display device (fig.3A (20); col. 4 line 20-27; col.4 line 55-67/the panel speaker and screen assembly each may be mounted to a wall).

While, Donohoe et al. further disclose of the display device and the mounting with the housing (col. 4 line 20-27; col. 4 line 60-67). But, Donohoe et al. never specify of such mounting with housing to a surface separate from the display device. But, it is noted having mounting with housing to a surface separate from the display device is merely an obvious variation of the engineering design based on his need with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with such mounting with housing to a surface separate from the display device in similarly mounting the panels regions and display device to a wall.

But, Donohoe et al. fail to disclose of mounting comprising: securing a rail to the surface. But, Curtis et al. disclose of mounting comprising: securing a rail to the surface (fig.3 (30, 14); col.4 line 10-21/rail/support attach to such a support). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating mounting comprising:

securing a rail to the surface for mounting speakers to an existing wall.

The combined teaching of Donohoe et al. and Curtis et al. as a whole, failed to disclose of the component being an audio-visual component. But, Simon disclose of a system wherein similar concept of the component being an audio-visual component (fig.1, 6; par [0043]). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the similar concept of the specific wherein the component being an audio-visual component for purpose of providing additional system that may be integrated with the television programs.

The combined teaching of Donohoe et al. and Curtis et al. and Simon as a whole, as modified would further disclose of connecting audio component to the rail (fig.1-3/rail to connect such audio-visual component).

Re claim 25, the method of claim 24, further comprising connecting at least one additional audio-visual component to the rail (fig. (3B)/plurality of speakers).

Re claim 26, Donohoe discloses of the assembly for mounting audio components for use with a wall-mounted display device comprising a housing (fig.4A (20); col.4 line 60-67/panel may also be wall

mounted), the assembly comprising: at least two audio modules comprising loudspeakers (fig.3B).

However, Donohoe fail to disclose of the assembly comprising a rail to be attach to a surface. But, Curtis et al. disclose of assembly comprising a rail to be attach to a surface (fig.3 (30, 14); col.4 line 10-21/rail/support attach to such a support). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating assembly comprising a rail to be attach to a surface for mounting speakers to an existing wall.

While, the combined teaching of Donohoe and Curtis et al. as a whole, further disclose of the rail being attached to a surface of the display device and housing of the display device (col. 4 line 20-27; col. 4 line 60-67). But, they never specify of such rail wherein the rail is configured to only to be attached to a surface other than the display device and the housing of the display device. But, it is noted having rail wherein the rail is configured to only to be attached to a surface other than the display device and the housing of the display device is merely an obvious variation of the engineering design based on his need with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with such rail wherein the rail is configured to only to be attached to a surface other than the display device and the housing

of the display device in similarly mounting the panels regions and display device to a wall.

The combined teaching of Donohoe and Curtis et al. as a whole, wherein the rail is configured to receive the module (Curtis, fig.1;3) and a cover having a dimension approximately equal to a length of the display device and defining a mating relation with the at least two modules (fig.3 (20); col.3 line 35-40; col. 5 line 1-15/grill to cover such panel as corresponding to the screen display).

But, the combined teaching of Donohoe and Curtis et al. as a whole, fail to disclose of the module being audio-visual modules. But, Simon disclose of a system wherein similar concept of the module being audio-visual module (fig.1, 6; par [0043]). thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the similar concept of the specific wherein having audio-visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

Re claim 27, the assembly of claim 26, wherein the cover is configured to be coupled to the modules (col.3 line 35-42; col.5 line 1-12).

Re claim 28, the assembly of claim 26, as modified wherein the cover is configured to be coupled to the rail (col.5 line 1-10/cover and module would have been all incorporated with rail)

Re claim 29, the assembly of claim 26, wherein the cover comprises a grille (col.3 line 35-42).

Re claim 30, the assembly of claim 26, further comprising a third module comprising a loudspeaker (col.3 line 64-67/multiple speakers module).

Re claim 31, the assembly of claim 26, further comprising many different modules in the rail, the combined teaching of Donohoe and Curtis et al. and Simon as a whole, fail to disclose of wherein the module incorporating the specific of an amplifier.

But, official notice is taken having a module incorporating an amplifier is well known in the art. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating the module incorporating an amplifier for enabling generating the stereophonic sound speakers.

Re claim 32 has been analyzed and rejected with respect to claim 14.

Re claim 35, Donohoe disclosed of a modular mounting bar for securing components in proximity to a display device and having a width, comprising: a plurality of audio modules (fig.1,3); a rail configured to be secured to the wall along the display device and having length of the rail is greater than the width of each of the modules (fig.3A, fig.3B; col.4 line 20-27).

But, Donohoe never disclose of the rail being secured to the wall independent from the display device. But, it is noted having the rail being secured to the wall independent from the display device is merely an obvious variation of the engineering design based on his need with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the rail being secured to the wall independent from the display device in similarly mounting the panels regions and display device to a wall.

Similarly, Donohoe fail to disclose of the rail has a plurality of mounting holes at each of a plurality of module mounting locations. But, Curtis et al. disclose of a rail has a plurality of mounting holes at each of a plurality of module mounting locations (fig.3 (30, 14); col.4 line 10-21/rail/support attach to such a support). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating rail has a plurality

of mounting holes at each of a plurality of module mounting locations for mounting speakers to an existing wall.

The combined teaching of Donohoe and Curtis as a whole, as modified would have disclose of such plurality of modules to match module mounting to the width of the display device (Donohoe, col.5 line 1-10/the panel as to math the display) and wherein each of the modules is configured to be attached to the rail at a respective one of the module mounting locations (fig.1,3; col.4 line 10-20) and a cover having a length having a length substantially the same as the length of the display device (col.5 line 1-15).

But, the combined teaching of Donohoe and Curtis as a whole, never specify of the specific wherein the said cover length being substantially the same as the width of the display device. But, it is noted the concept of having wherein cover length being substantially the same as the display width is merely an obvious variation of the engineering design with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with incorporating the cover length being substantially the same as the width of the display device in similarly accommodating the display to the cover

But, the combined teaching of Donohoe and Curtis as a whole, fail to disclose of the specific wherein the module being audio-visual

modules. But, Simon disclose of a system wherein similar concept of the module being audio-visual modules (fig.6; par [0043]). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the similar concept of the module being audio-visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

Re claims 36-48 have been analyzed and rejected with respect to claims 9-21 respectively.

3. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohoe (US 5,737,123) and Simon (US 2001/0027560 A1).

Re claim 33, Donohoe disclosed of the modular mounting bar for securing components in proximity to a display device and having a width and the display device being secured comprising: a rail having mounting locations for audio components and configured to be secured to the wall (fig.3 (20); col.4 line 20-27 & line 60-67).

However, Donohoe et al. fail to disclose of the specific wherein the rail to be secured to the wall independent from the display device. But, it is noted having the rail to be secured to the wall independent from the display device is merely an obvious variation of the engineering design based on his need with no unexpected result. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the rail to be secured to

the wall independent from the display device in similarly mounting the panels regions and display device to a wall.

Donohoe disclose of the means for connecting an audio component to multiple locations on the rail so that component locations match the width of the display device (fig.3A-B; col.4 line 20-27; col.5 line 1-10).

But, Donohoe fail to disclose of the specific wherein the module being audio-visual modules. But, Simon disclose of a system wherein similar concept of the specific wherein module being audio-visual modules (fig.6; par [0043]). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the similar concept of the specific wherein module being audio-visual modules for purpose of providing additional system that may be integrated with the television programs.

Re claim 34, the module mounting bar of claim 33, further comprising means for connecting at least one additional audio-visual component to the rail (fig.1,3).

4. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohoe (US 5,737,123) and Curtis et al. (US 5,299,766) and Simon (US 2001/0027560 A1) and Tajima (US 7,034,902 B2).

Re claim 22, the method of claim 24, However, the combined teaching of Donohoe and Curtis and Simon as a whole, fail to disclose of the wherein the rail having portions thereof that define a channel and wherein the audio-visual component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail. But, Tajima disclose of a rail wherein similar concept of wherein the rail having portions thereof that define a channel and wherein audio component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail (fig.7 wt (50a)/top and edge; col.14 line 15-28, col.13 line 45-52). Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combination with the similar concept of rail wherein the rail having portions thereof that define a channel and wherein the audio-visual component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail for purpose of securing the module to the railing surface.

Re claim 23, the method of claim 22, further comprising: securing a cover to the component so as to secure the cover in a desired location on the component (col.5 line 1-12).

*Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./  
Examiner, Art Unit 2614

/

*/Vivian Chin/*

**Supervisory Patent Examiner, Art Unit 2614**

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